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EXAMINER				
BASEHOAR, ADAM L				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/057,126

**Applicant(s)**

TUSCHNER ET AL.

**Examiner**

ADAM L. BASEHOAR

**Art Unit**

2178

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-12 and 14-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12 and 14-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the RCE filed 10/27/07.
2. Claims 4, 13, and 30-35 have been cancelled as necessitated by Amendment.
3. Claims 1-3, 5-12, and 14-29 are pending in this case. Claims 1, 10, 19, 23, and 27 are independent claims.

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The phrase "computer readable medium," is not found to have proper antecedent basis in the specification, however it is necessary to use this terminology in order to properly define the claim within the boundaries of statutory subject matter, because the phrase "computer readable medium," appears to only reasonably convey hardware storage and forms of portable, physical article media to one of ordinary skill in the art. In order to overcome the objection, an amendment to the specification is necessary constituting a non-exhaustive statement of what the phrase "computer readable medium " would be as it would have been known to one of ordinary skill in the art at the time of the invention, in order to verify that the term "computer readable medium," could not be taken in the context of non-statutory subject matter.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 10-11 and 14-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In regard to independent claim 10, the claim recites a system comprised of a plurality of different means. Based on the Applicant's specification (Paragraph 22), said means could be merely software means. A software system per se is non statutory. Thus claims 10-11 and 14-18 are rejected under 35 U.S.C. 101 for failing to be limited to embodiments which fall within a statutory category of invention and for failing to be functionally interconnected as a computer component in order to enable the functionality of the system to be realized. The system of claim 10 must be claimed in combination with an appropriate hardware component (e.g. See independent claim 23) for said functionality to be realized.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-12, and 14-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aptus et al. (US-7,114,149 09/26/06) in view of Dori (US-7,099,809 08/29/06)

**-In regard to substantially similar independent claims 1, 10, 19, 23, and 29,** Aptus teaches a method, system, means, and program product for generating source code from a block diagram model (column 5, lines 55-67: “modifications made on the displays 204....all modifications are made directly to the source code...change is made to the source code via the graphical representation”; column 17, lines 56-58: “used to develop source code in a project”), the generating comprising:

a processor and memory (column 6, lines 34-45: “processor...memory”)(Fig. 6);

including in the generated source code one or more comments that identify a reference to an element in the block diagram model (column 21, lines 65-67; column 22, lines 1-13: “includes a reproduction of comments inserted into the source code”; column 23, lines 3-35: “the ‘see’ parameter”)(Figs. 20, 24, & 25);

generating a code generation report (e.g. Fig. 2: 206 & Fig. 20: 2008) from the generated source code, the generating of the code generation report comprising (column 5, lines 46-62; column 21, lines 65-67; column 22, lines 1-13 & 46-51):

parsing the one or more comments in the generated source code (column 22, lines 46-67: “generates the textual portion of the HTML documentation...by parsing the source code and comments in the source code”; column 23, lines 1-35: “comments”);

displaying the code generation report (column 5, lines 46-62: “source code is being displayed in both a graphical form and a textual form”; column 21, lines 1-10 & 34-43: “viewing and navigation through the documentation...HTML documentation is begin displayed by a web browser”)(Fig. 20).

Aptus further teaches generating links between the HTML diagrammatic and the textual portions of the documentation to facilitate navigation through and viewing of the documentation (column 3, lines 31-39; column 21, lines 26-33). To accomplish this, Aptus teaches generating and mapping HTML hyperlinks in the diagram model to associated portions in the textual description (column 23, lines 34-67; column 24, lines 1-30)(Fig. 21: 2112). Aptus also teaches utilizing the 'see' comment parameter in the HTML documentation to link to associated block elements (column 23, lines 25-35)(Fig. 25: i.e. note that the See Also: "My Thread" element is underlined in the HTML document to imply hyperlink navigation to one of ordinary skill in the art). However, Aptus does not specifically recite replacing the one or more comments with a hypertext link, wherein the hyperlinks were in the textual description and by selecting the hyperlink the corresponding associated block diagram model element was displayed. Dori teaches maintaining an equivalence between a diagram model and a textual description for said diagram model (column 3, lines 3-67: "maintain the equivalence": column 4, lines 1-4)(Fig. 1: 102 & 104), wherein the diagram model and textual description are linked in such a way that when a user selects a textual portion with a cursor, the corresponding element in the diagram model is highlighted and displayed (column 4, 8-14: "highlight graphic constructs corresponding to the sentence...and vice-versa"). It would have been obvious to one of ordinary skill in the art at the time of the invention for the user of Aptus to have been able to select a hyperlink in the textual description and have been shown the corresponding diagram model element as shown in Dori, because Dori teaches that by providing said bi-directional linking functionality the user of Aptus would gain the benefit of a "better understanding of the correspondence between graphics and text" (column 4, lines 10-14).

**-In regard to dependent claims 2, 11, and 28,** Aptus teaches receiving input from a user representing a selection of the at least one hyperlink text (column 24, lines 4-29: “generates a hyperlink reference fro rectangular area 2012 to the portion of the textual documentation that corresponds...user may navigate to the exact part...by moving the mouse arrow inside of rectangular box 2012 and left clicking”); and

displaying to the user at least a portion of the textual documentation including the element of the model associated with the hyperlink text (column 24, lines 4-29: “automatically navigates to and displays the corresponding portion of the HTML textual documentation in the frame displaying the textual documentation”).

Aptus teaches linking between the diagrammatic and the textual portions of the documentation to facilitate navigation and view of the documentation (column 3, lines 29-39) by establishing hyperlinks in the diagram model to portions in the textual description (column 23, lines 34-67; column 24, lines 1-21)(Fig. 21: 2112). Aptus does not specifically teach wherein the hyperlinks were in the textual description and by selecting the hyperlink the corresponding associated block diagram model element was displayed. Dori teaches maintaining an equivalence between a diagram model and a textual description for said diagram model (column 3, lines 3-67: “maintain the equivalence”: column 4, lines 1-4)(Fig. 1: 102 & 104), wherein the diagram model and textual description are linked in such a way that when a user selects a textual portion with a cursor, the corresponding element in the diagram model is highlighted and displayed (column 4, 8-14: “highlight graphic constructs corresponding to the sentence...and vice-versa”). It would have been obvious to one of ordinary skill in the art at the time of the

invention for the user of Aptus to have been able to select a hyperlink in the textual description and have been shown the corresponding diagram model element as shown in Dori, because Dori teaches that by providing said bi-directional linking functionality the user of Aptus would gain the benefit of a "better understanding of the correspondence between graphics and text" (column 4, lines 10-14).

**-In regard to dependent claims 3 and 12,** Aptus does not teach wherein displaying to the user at least a portion of the block diagram model comprises displaying the associated element in a highlighted fashion. Dori teaches maintaining an equivalence between a diagram model and a textual description for said diagram model (column 3, lines 3-67: "maintain the equivalence": column 4, lines 1-4)(Fig. 1: 102 & 104), wherein the diagram model and textual description are linked in such a way that when a user selects a textual portion with a cursor, the corresponding element in the diagram model is highlighted and displayed (column 4, 8-14: "highlight graphic constructs corresponding to the sentence...and vice-versa"). It would have been obvious to one of ordinary skill in the art at the time of the invention for the user of Aptus to have been able to select a hyperlink in the textual description and have been shown the corresponding diagram model element highlighted as shown in Dori, because Dori teaches that by providing said bi-directional linking functionality the user of Aptus would gain the benefit of a "better understanding of the correspondence between graphics and text" via the highlighting (column 4, lines 10-14).



**-In regard to dependent claims 5 and 14,** Aptus teaches parsing the generated source code (column 22, line 48: "parsing the source code") which could include a plurality of variables (column 8, line 55: "variables"; column 13: "local variables...several variables"; column 15)(Fig. 20: 2008) to generate HTML documentation (column 22, lines column 21, lines 65-67; column 22, lines 1-14 & 46-67; column 23, lines 1-35), wherein the HTML documentation contained hyperlinks between the HTML documentation and the associated block diagram model (column 21, lines 2-10; column 23, lines 34-67; column 24, lines 1-21)(Fig. 21: 2112) . Aptus does not specifically teach that parsing replaces a variable reference with a hypertext link to an associated element in the block diagram model. Dori teaches maintaining an equivalence between a diagram model and a textual description for said diagram model (column 3, lines 3-67: "maintain the equivalence"; column 4, lines 1-4)(Fig. 1: 102 & 104), wherein the diagram model and textual description are linked in such a way that when a user selects a textual portion with a cursor, the corresponding element in the diagram model is highlighted and displayed (column 4, 8-14: "highlight graphic constructs corresponding to the sentence...and vice-versa"). It would have been obvious to one of ordinary skill in the art at the time of the invention for the user of Aptus to have been able to select a hyperlink in the textual description representing a variable reference and have been shown the corresponding diagram model element as shown in Dori, because Dori teaches that by providing said bi-directional linking functionality the user of Aptus would gain the benefit of a "better understanding of the correspondence between graphics and text" (column 4, lines 10-14). Additionally Aptus teaches wherein the parsing selected informative portions to be described in the textual documentation (column 23, lines 3-35), which would have been obvious to have included source code variable, because Aptus taught it would

have thus enhanced to the reader of the source code how the variable was supposed to be used (column 13: "obtains information about how the variable is supposed to be used").

**-In regard to dependent claims 6 and 15**, Aptus teaches wherein the hypertext link is SGML (column 21, lines 2-24: "HTML to provide navigation links"; column 23, lines 52-67: "hyperlinks are a well-known feature of HTML"; column 24, 1-29: i.e. HTML was a notoriously well known application of SGML).

**-In regard to dependent claims 7 and 16**, Aptus teaches wherein the hypertext link is HTML (column 21, lines 2-24: "HTML to provide navigation links"; column 23, lines 52-67: "hyperlinks are a well-known feature of HTML"; column 24, 1-29).

**-In regard to dependent claims 8 and 17**, Aptus teaches wherein the hypertext link was HTML (column 21, lines 2-24: "HTML to provide navigation links"; column 23, lines 52-67: "hyperlinks are a well-known feature of HTML"; column 24, 1-29). Aptus does not specifically teach wherein the hyperlink was XML. It would have been obvious to one of ordinary skill in the art at the time of the invention for the document hyper-linking system of Aptus to have included an XML hyperlink, because it was notoriously well known in the art at the time of the invention that XML hyperlinks (i.e. XLinks) offer a far greater degree of functionality than those offered by HTML in that they were well known to offer extended links which provided multidirectional linking. Thus the user of Aptus would have been provided the benefit of

multidirectional linking between the code generation report and the block diagram model (e.g. a functionality that was shown in the Dori reference (column 4, lines 8-15)).

**-In regard to dependent claims 9, 18, and 29,** Aptus teaches wherein the at least one comment listing a reference to a block comprises a character string identifying a path to file providing information relating to a section of the block (column 23, lines 1-35: "comments...parameters are special fields within comments...'see' parameter is used to refer to other classes or class members that are related to or that should be referenced with regard to the class...associated with the 'see' parameter...referring to the 'My Thread' class")(Figs. 20, 24, & 25).

**-In regard to dependent claims 20-23,** Aptus teaches wherein the storage medium could be a RAM, ROM, and a hard disk drive (column 6, lines 46-52: "hard disks...RAM or ROM").

**-In regard to dependent claims 24-26,** Aptus teaches wherein the processor (Fig. 6: 608: "processor") and the memory (Fig. 6: 602: "memory") could be incorporated in a personal computer (column 6, lines 34-53: "data processing system 600")(Fig. 6), network server capable of Internet communication (column 6, lines 34-53: "data processing system 600...Internet")(Fig. 6). Aptus does not specifically teach wherein the data processing system (Fig. 6) was a single board computer. It would have been obvious to one of ordinary skill in the art at the time of the invention for the processing system of Aptus to have been a single board computer, because single board computers were notoriously well known in the art at the time of the invention to

provide reduced weight and lower power consumption which thus increased the potential for portability of the processing system of Aptus. The user of a single board computer would thus provide predictable results to that of the data processing system as described in Aptus.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 10, 19, 23, and 27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Please note the additionally cited references on the accompanying PTO-892 form.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Baschoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Adam L Basehoar/  
Primary Examiner, Art Unit 2178